

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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PRISCELLA R. SAINTAL,

Plaintiff,

v.

SHERYL FOSTER, et. al.,

Defendants.

Case No. 2:11-cv-00445-MMD-PAL

ORDER

(Plf.'s Motion for Clarification – dkt. no. 61)

On November 5, 2012, Plaintiff Priscella R. Saintal filed a letter with this Court seeking clarification on a few issues relating to the Court's October 17, 2012, Order. (See dkt. no. 61.) Ordinarily, a document requesting a court order must be styled as a motion, not as a letter. See Fed. R. Civ. P. 7. In light of the lengthy Order and the potential confusion it might raise, the Court construes Saintal's letter as a Motion for Clarification. Saintal's Motion is granted, and the Court clarifies its October 17 Order as follows:

First, this case remains open, and the operative complaint is the Supplemental Complaint filed as Docket Number 50. While ordinarily the granting of a summary judgment motion on all claims in favor of a defendant would close a case, this case remained open after the October 17 Order because Saintal had previously filed her Supplemental Complaint. In order to streamline the litigation and avoid duplicative proceedings, the Court declined to close the case outright, and Saintal's claims articulated in the Supplemental Complaint are now properly the subject of this case.

1 Second, Saintal must proceed separately with her unrelated equal protection  
2 claims. The Court's October 17 Order describes how her equal protection claims are  
3 sufficiently distinct from the remaining claims in the Supplemental Complaint;  
4 consequently, these claims must be pursued separately in a new action. Saintal should  
5 separately file with the Clerk a new Complaint and, if necessary, an Application to  
6 Proceed In Forma Pauperis.

7 Lastly, the Clerk of the Court shall provide Saintal the proper forms for her to  
8 pursue her separate action.


9 Accordingly, IT IS THEREFORE ORDERED THAT Plaintiff's Motion for  
10 Clarification (dkt. no. 61) is GRANTED. The Clerk shall file Plaintiff's Supplemental  
11 Complaint (dkt. no. 50) as her Second Amended Complaint.

12 IT IS FURTHER ORDERED that the Clerk shall provide Plaintiff the proper  
13 complaint and *in forma pauperis* forms to enable her to file a separate action.

14 IT IS FURTHER ORDERED that Defendants shall have fourteen (14) days from  
15 the entry of this order to respond to Plaintiff's Second Amended Complaint.

16 IT IS SO ORDERED.

17 DATED THIS 15<sup>th</sup> day of November 2012.

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22 MIRANDA M. DU  
23 UNITED STATES DISTRICT JUDGE  
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